

# SENATE BILL REPORT

## SHB 2439

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As Reported By Senate Committee On:  
Human Services & Corrections, February 28, 2008

**Title:** An act relating to requiring the governing authorities of facilities where convicted sex offenders are confined to determine the offender's immigration status and to release offenders subject to deportation into the custody of federal authorities or at a federal facility used to house persons awaiting deportation.

**Brief Description:** Requiring the governing authorities of facilities where convicted sex offenders are confined to determine the offender's immigration status and to release offenders subject to deportation into the custody of federal authorities or at a federal facility used to house persons awaiting deportation.

**Sponsors:** House Committee on Human Services (originally sponsored by Representatives Priest, Ross, Kristiansen, Pearson, Armstrong, Crouse, Haler, Condotta, Rodne, Hinkle, Hailey, Kretz, Warnick, Bailey, Sump, Roach, Orcutt, Newhouse, Ahern, Alexander, Skinner, Blake, McCune, Morrell, Hurst, Schindler, Walsh, Smith, Campbell, VanDeWege, Rolfes, Dunn, Barlow, Herrera, Kelley, Green and McDonald).

**Brief History:** Passed House: 2/12/08, 97-0.

**Committee Activity:** Human Services & Corrections: 2/22/08, 2/28/08 [DPA].

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### SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

**Majority Report:** Do pass as amended.

Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens, Ranking Minority Member; Brandland, Carrell, Marr and McAuliffe.

**Staff:** Kevin Black (786-7747)

**Background:** The Department of Corrections (DOC) and governing authorities of county and city jails sometimes confine individuals who are illegal immigrants or legal permanent residents whose criminal convictions make them subject to deportation. Under current DOC policy, DOC gathers information from all offenders during the intake process through personal interviews, background checks, fingerprint checks with the Federal Bureau of Investigation, review of criminal history, and other available information sources. The name of any offender identified as an illegal immigrant is turned over to federal authorities for further investigation.

The Immigration and Customs Enforcement Agency (ICE) is responsible for enforcing immigration laws and removing illegal immigrants and legal permanent residents who are

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subject to deportation from state prisons and local jails. Once ICE identifies an offender in a prison or jail as an illegal immigrant or legal permanent resident subject to deportation, it issues a detainer for the offender. After the offender's sentence is complete, the offender is remanded to the custody of federal authorities pursuant to the detainer. The ICE offers training to state officers in enforcement of federal immigration laws and can deputize state officers to enforce immigration laws under Section 287(g) of the federal Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

**Summary of Bill (Recommended Amendments):** DOC must cooperate with ICE to determine the immigration status of every offender admitted into state custody. If ICE determines that an offender is unlawfully in the United States or is otherwise subject to deportation, DOC must release the offender into the custody of the appropriate federal authorities after the offender serves his or her term of confinement. The Washington Association of Sheriffs, Jails and Police Chiefs (WASPC) must allow ICE to have access to the statewide electronic jail booking system for the purpose of enforcing federal immigration laws.

**EFFECT OF CHANGES MADE BY HUMAN SERVICES & CORRECTIONS COMMITTEE (Recommended Amendments):** DOC must cooperate with ICE in order to determine the immigration status of every offender. WASPC must give ICE access to the statewide electronic jail booking system.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony on Substitute Bill:** PRO: We aren't doing as good a job as we should coordinating the efforts of local jurisdictions with ICE.

OTHER: DOC does the process of reviewing convicted persons for immigration detainers now. In 2006 DOC released 30 sentenced sex offenders subject to deportation. Twenty-eight were released on detainer to ICE, and two were sent to local jurisdictions to answer outstanding warrants. Some smaller jails do not currently turn over jail booking rosters to ICE, but only notify ICE when they have reason to believe that the person is an illegal alien. Small jurisdiction do not have information or personnel to determine immigration status.

**Persons Testifying:** PRO: Representative Priest, prime sponsor.

OTHER: Anna Aylword, DOC, Debbie Wilke, Washington Association of County Officials.